

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

EDWARD DUCHENEAUX and MAE  
KELLER, as Co-Personal  
Representatives of the ESTATE OF  
PAUL DUCHENEAUX, DECEASED,

Plaintiff,

vs.

LOWER YELLOWSTONE RURAL  
ELECTRIC ASSOCIATION, INC., a  
Montana Corporation d/b/a Lower  
Yellowstone Rural Electric  
Cooperative, et al.,

Defendants.

CV-19-6-BLG-TJC

**ORDER**

This matter came before the Court for a motion hearing on November 30, 2020. For the reasons stated on the record at the hearing, IT IS HEREBY ORDERED as follows:

1. LYREC's Motion in Limine to Exclude OSHA Report (Doc. 66) is DENIED.
2. Plaintiffs' Motion to Strike or Limit Experts Designated by Defendant Elliot (Doc. 68) is DENIED.
3. Plaintiffs' Motion in Limine to Strike or Limit Elliott Rebuttal Report (Doc. 93) is GRANTED IN PART, AND DENIED IN PART. The motion is

granted as to Dr. Brown's proposed testimony that Paul Ducheneaux's accident would not have occurred had the front stabilizer been deployed, and that failure to deploy the front stabilizer over time would have encouraged the formation of cracks in the outrigger structure. The motion is denied with respect to Dr. Brown's proposed testimony that computer modeling demonstrates that deployment of the front stabilizer decreases the stress on the outrigger structure by over a factor of five times. Plaintiffs shall have 14 days to supplement their expert disclosures solely to address Dr. Brown's computer modeling of the decrease of stress to the outrigger structure by deployment of the front stabilizer.

4. Plaintiffs' Motion to Partially Exclude Testimony and Opinions of Elliott's Expert Stuart B. Brown, Ph.D. (Doc. 95) is RESERVED.

5. Plaintiffs' Motion in Limine Regarding Elliott's Affirmative Defenses (Doc. 105) is DENIED.

6. Plaintiffs' Motion in Limine to Limit Testimony of Defendants' Accountant Expert (Doc. 111) is GRANTED.

7. Plaintiffs' Motion for Leave to File Second Amended Complaint (Doc. 121) is GRANTED. Plaintiffs shall promptly file the Second Amended Complaint in accordance with Civil Local Rule 15.1. Defendants shall have 10

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days to file a responsive pleading.

DATED this 30th day of November, 2020.

  
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TIMOTHY J. CAVAN  
United States Magistrate Judge